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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, MARIELA GONZÁLEZ, FREDDY JOSE ARAPE RIVAS, M.H., CECILIA DANIELA GONZÁLEZ HERRERA, ALBA CECILIA PURICA HERNÁNDEZ, E.R., and HENDRINA VIVAS CASTILLO.

#### **Plaintiffs.**

vs.

KRISTI NOEM, in her official capacity as Secretary of Homeland Security, UNITED STATES DEPARTMENT OF HOMELAND SECURITY, and UNITED STATES OF AMERICA

### Defendants.

Case No. 3:25-cv-01766-EMC

**CORRECTED DECLARATION OF  
EMILOU MACLEAN IN SUPPORT OF  
PLAINTIFFS' MOTION TO POSTPONE  
EFFECTIVE DATE OF AGENCY ACTION**

(Replaces Dkt. 37)

Assigned to: Hon. Edward M. Chen

Date: March 24, 2025

Time: 9:00 a.m.

Place: Courtroom 5, 17th Floor

Complaint filed: February 19, 2025

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I, Emilou MacLean, declare as follows:

1. I am an attorney at law duly licensed and entitled to practice in the State of California. I am a Senior Staff Attorney at ACLU Foundation of Northern California, counsel of record in this action for Plaintiffs. I make this declaration in support of Plaintiffs' Motion to Postpone Effective Date of Agency Action. I have personal knowledge of the following facts and, if called as a witness, I could and would testify competently thereto.

## SOCIAL MEDIA POSTS

2. Attached as **Exhibit 1** is a true and correct copy of a February 26, 2024 social media post by Secretary Kristi Noem on the X social media platform using the handle “@KristiNoem,” which is also available at <https://x.com/KristiNoem/status/1762195636491825295>. The post contains a video in which Secretary Noem states, “Nations like Venezuela are emptying their prisons of dangerous criminals to send them to America. They are happy to let America’s open border be the solution to their problem.”

3. Attached as **Exhibit 2** is a true and correct copy of a February 28, 2024, social media post by Secretary Krisi Noem on the X social media platform using the handle “@KristiNoem,” which is also available at <https://x.com/KristiNoem/status/1762650522920652828>. In that post, she said, “Venezuela didn’t send us their best. They emptied their prisons and sent criminals to America. Deportations need to start on DAY ONE of [President Trump’s] term” in office.

4. Attached as **Exhibit 3** is a true and correct copy of a March 6, 2024 social media post by Secretary Kristi Noem on the X social media platform using the handle “@KristiNoem,” which is also available at <https://x.com/KristiNoem/status/1765513039795601862>. The post contains a video of Secretary Noem discussing immigration and the caption reads, “[c]ountries like Venezuela are emptying their prisons, their mental institutions, and sending them to America. The White House is facilitating this invasion. They’re doing it on purpose.”

5. Attached as **Exhibit 4** is a true and correct copy of a March 14, 2024 social media post by Secretary Kristi Noem on the X social media platform using the handle “@KristiNoem,” which is also available at <https://x.com/KristiNoem/status/1768312288560247199>. In the post,

Secretary Noem states, “At least 300,000 illegal immigrants from Venezuela have been encountered at the border. Remember, Venezuela emptied their prisons and told them to come to America.”

6. Attached as **Exhibit 5** is a true and correct copy of a December 9, 2024 social media post by Secretary Kristi Noem on the Instagram social media platform using the handle “@KristiNoem,” which is also available at <https://www.instagram.com/kristinoem/reel/DDVjJnURRqw/>. In the post, she states, “nations like Venezuela are using our open border to solve their own crime and mental health crises.”

7. Attached as **Exhibit 6** is a true and correct copy of a January 28, 2025 social media post by Secretary Kristi Noem on the X social media platform using the handle “@Sec\_Noem,” which is also available at [https://x.com/Sec\\_Noem/status/1884264039158800547](https://x.com/Sec_Noem/status/1884264039158800547). The post contains a video in which Secretary Noem, wearing a Police Customs and Immigration Enforcement (ICE) vest, states that she is “getting the dirt bags off the streets” in New York. The caption reads “7 AM in NYC. Getting the dirt bags off the streets.”

## VIDEO TRANSCRIPTS

8. Attached as **Exhibit 7** is a true and correct copy of a certified transcript of a December 16, 2023 campaign speech, along with a screen grab below from the video clip. The video is available for viewing at <https://www.c-span.org/clip/campaign-2024/donald-trump-on-illegal-immigrants-poisoning-the-blood-of-our-country/5098439>. In the video, Donald Trump states that illegal immigrants are “poisoning the blood of our country.”



1       9. Attached as **Exhibit 8** is a true and correct copy of a certified transcript of the  
 2 September 10, 2024 presidential debate, along with a screen grab below from the video clip. The  
 3 video is available for viewing at [https://www.c-span.org/program/campaign-2024/simulcast-abc-](https://www.c-span.org/program/campaign-2024/simulcast-abc-news-presidential-debate/648383)  
 4 news-presidential-debate/648383. At approx. 29:26, President Trump states that Haitian TPS holders  
 5 are “eating the dogs,” “eating the cats,” and “eating the pets of the people that live” in Springfield,  
 6 Ohio. At approximately 33:40, President Trump states, “They allowed people to come in, drug  
 7 dealers, to come into our country, and they’re now in the United States. And told by their countries  
 8 like Venezuela don’t ever come back or we’re going to kill you. . . . There’s never been anything  
 9 done like this at all. They’ve destroyed the fabric of our country. Millions of people let in.”



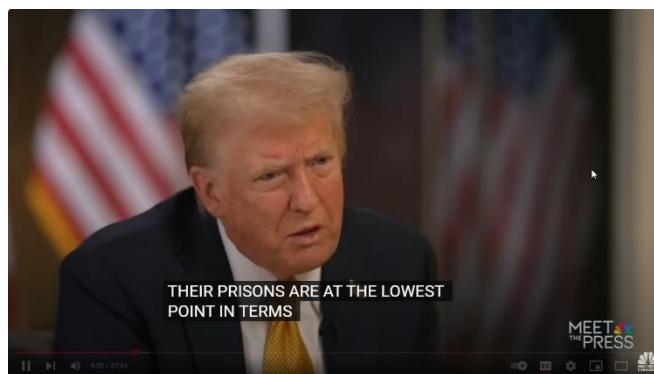
10     10. Attached as **Exhibit 9** is a true and correct copy of a certified transcript of an October  
 11 11, 2024 campaign speech by President Donald Trump in Aurora, Colorado, along with a screen  
 12 grab below from the video clip. The video is available for viewing at  
 13 [https://www.youtube.com/watch?v=\\_xguaneoZ5A](https://www.youtube.com/watch?v=_xguaneoZ5A). At approximately the 41:05-minute mark,  
 14 President Trump states “Every day, Americans . . . are living in fear all because [former Vice  
 15 President] Kamala Harris decided to empty the slums and prison cells of Caracas [Venezuela] and  
 16 many other places . . . [A]nd we have to live with these animals, but we’re not going to live with  
 17 them for long, you watch.”

18     11. Attached as **Exhibit 10** is a true and correct copy of a certified transcript of the  
 19 October 27, 2024 speech by Donald Trump at the Madison Square Garden Presidential Campaign  
 20 Rally, along with a screen grab below from the video clip. The video is available for viewing at  
 21  
 22  
 23  
 24  
 25

1 https://www.youtube.com/watch?v=bzVT4YEYsuI. In the video, President Trump describes the  
 2 country as “occupied” by criminal migrants and refers to Venezuelan gang members as “savage.” At  
 3 approximately 16:13, President Trump states “We’re not going to have a country any longer. That’s  
 4 who we’re allowing in. The United States is now an occupied country, but it will soon be an  
 5 occupied country no longer. . . . November 5, 2024 . . . will be Liberation Day in America. . . . I will  
 6 rescue every city and town that has been invaded and conquered.”



13  
 14 12. Attached as **Exhibit 11** is a true and correct copy of a certified transcript of the  
 15 December 8, 2024 interview with President Trump on “Meet the Press,” along with a screen grab  
 16 below from the video clip. The video is available for viewing at



17  
 18  
 19  
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 22  
 23 https://www.youtube.com/watch?v=-UsHJWEAj\_I. At approximately 8:42, President Trump states  
 24 that Venezuelan “prisons are . . . at the lowest point in terms of emptiness that they’ve ever been”  
 25 because Venezuela was “taking their people out of those prisons by the thousands” and sending them  
 26 to the United States.

1       13. Attached as **Exhibit 12** is a true and correct copy of a certified transcript of the  
 2 January 15, 2025 confirmation hearing of Secretary Kristi Noem,<sup>1</sup> along with a screen grab below  
 3 from the video clip. The video is available for viewing at available at <https://www.c-span.org/program/senate-committee/homeland-security-secretary-nominee-gov-kristi-noem-testifies-at-confirmation-hearing/654484>. At approximately 1:51:50, Secretary Noem states, “[TPS] has been  
 4 abused and manipulated by the Biden Administration and that will no longer be allowed . . . and  
 5 these extensions going forward the way that they are.” Secretary Noem adds, “the program was  
 6 intended to be temporary and this extension [of TPS] of over 600,000 Venezuelans [] is alarming  
 7 when you look at what we’ve seen in different states, including Colorado with gangs doing damage  
 8 and harming the individuals and the people that live there.”

11       14. Attached as **Exhibit 13** is a true and correct copy of a certified transcript of a January  
 12 22, 2025 interview of President Donald Trump on Fox News with Sean Hannity, along with a screen  
 13 grab below from the video clip. The video is available for viewing is available at  
 14 <https://www.youtube.com/watch?v=mQUmy6gkwWg>. At approximately 18:26, President Trump  
 15 states, “jails and mental institutions from other countries and gang members, right off the streets of  
 16 the toughest cities in the world, are being brought to the United States of America and emptied out



24 into our country.”

25       15. Attached as **Exhibit 14** is a true and correct copy of a certified transcript of a January  
 26 29, 2025 interview of Secretary Kristi Noem on “Fox and Friends,” along with a screen grab below

27       1<sup>1</sup> Plaintiffs are unable to locate a transcript of Secretary Noem’s confirmation hearing through the  
 28 Government Printing Office or the website of the Committee on Homeland Security and  
 Governmental Affairs. Accordingly, Plaintiffs submit a certified copy of the transcript.

1 from the video clip. The video is available for viewing at  
 2 <https://www.foxnews.com/video/6367942790112?msockid=30416397acd261bf24f1707bad686037>.  
 3 At approximately 1:00, Secretary Noem states, “[t]oday we signed an executive order within the  
 4 Department of Homeland Security in a direction that we were not going to follow through on what  
 5 he did to tie our hands, that we are going to follow the process, evaluate all of these individuals that  
 6 are in our country, including the Venezuelans that are here and members of TdA [transnational gang  
 7 Tren de Aragua]. Listen, . . . the people of this country want *these dirt bags* out. They want their  
 8 communities to be safe . . . So, this [is] part of our plan to make sure that we’re protecting America,  
 9 keeping it safe again, just like President Trump promised” (emphasis added). Secretary Noem  
 10 described ending TPS for Venezuelans as necessary in order to “evaluate all of these individuals that  
 11 are in our country.”



16. Attached as **Exhibit 15** is a true and correct copy of a certified transcript of February  
 17 2, 2025 interviews of Secretary Kristi Noem, Missouri Senator Eric Schmitt, and Arizona Senator  
 18 Mark Kelly on “Meet the Press,” along with a screen grab below from the video clip. The video is  
 19 available for viewing at <https://www.youtube.com/watch?v=FpeMXrvxHco>. At approximately  
 20 16:25, Secretary Kristi Noem states “the TPP *[sic]* program has been abused, and it doesn’t have  
 21 integrity right now.” At approximately 16:27, Secretary Kristi Noem states “folks from Venezuela  
 22 that have come into this country are members of TdA. And remember, Venezuela purposely emptied  
 23



1 out their prisons, emptied out their mental health facilities and sent them to the United States of  
 2 America. So we are ending that extension of that program, adding some integrity back into it. And  
 3 this administration's evaluating all of our programs to make sure they truly are something that's to  
 4 the benefit of the United States, so that they're not to the benefit of criminals."

## 5 ARTICLES AND PUBLICATIONS

6 17. Attached as **Exhibit 16** is a true and correct copy of an article by Josh Dawsey dated  
 7 January, 12, 2018, titled *Trump Derides Protections for Immigrants from 'Shithole' Countries*,  
 8 WASH. POST, and available at [https://www.washingtonpost.com/politics/trump-attacks-protections-for-immigrants-from-shithole-countries-in-oval-office-meeting/2018/01/11/bfc0725c-f711-11e7-91af-31ac729add94\\_story.html?utm\\_term=.06cbc70bfaec](https://www.washingtonpost.com/politics/trump-attacks-protections-for-immigrants-from-shithole-countries-in-oval-office-meeting/2018/01/11/bfc0725c-f711-11e7-91af-31ac729add94_story.html?utm_term=.06cbc70bfaec). The article summarizes various  
 10 statements by President Trump, including about TPS.

12 18. Attached as **Exhibit 17** is a true and correct copy of an article by Dara Lind dated  
 13 February 23, 2018, titled "*The Snake*": Donald Trump Brings Back His Favorite Anti-Immigrant  
 14 *Fable at CPAC*, VOX, and available at [www.vox.com/policy-and-politics/2018/2/23/17044744/trump-snake-speech-cpac](http://www.vox.com/policy-and-politics/2018/2/23/17044744/trump-snake-speech-cpac). The article describes President Trump's  
 15 Conservative Political Action Conference (CPAC) speech as "a fantasia on his favorite theme:  
 16 Immigrants are dangerous and they want to kill you." The article recounts President Trump's  
 17 statements about immigrants: "These are animals. They cut people. They cut them. They cut them up  
 18 in little pieces, and they want them to suffer. And we take them into our country." The article  
 19 describes how President Trump recited a song "in which a snake [representing a migrant] asks to be  
 20 taken into a woman's home and repays her for her charity by killing her." According to the article,  
 21 President Trump referred to singing the song at events as "do[ing] the snake." The article included  
 22 the following song lyrics:  
 23

- 24 a. "I saved you, cried the woman. And you've bitten me, heavens why? You know  
   25               your bite is poisonous and now I'm going to die."
- 26 b. "Oh, shut up, silly woman, said the reptile with a grin. You knew damn well I  
   27               was a snake before you took me in."

1 According to the article, after reciting these lines, President Trump stated: “And that’s what we’re  
 2 doing with our country, folks. We’re letting people in. And it is going to be a lot of trouble. It is only  
 3 getting worse.”

4       19. Attached as **Exhibit 18** is a true and correct copy of an article by Julie Hirschfeld  
 5 Davis dated May 16, 2018, titled *Trump Calls Some Unauthorized Immigrants ‘Animals’ in Rant*,  
 6 N.Y. TIMES, and available at [www.nytimes.com/2018/05/16/us/politics/trump-undocumented-](http://www.nytimes.com/2018/05/16/us/politics/trump-undocumented-immigrants-animals.html)  
 7 immigrants-animals.html. The article reports how President Trump, during a White House meeting,  
 8 stated in front of news cameras that “dangerous people were clamoring to breach the country’s  
 9 borders and brand[ed] such people ‘animals.’” According to the article, President Trump also told  
 10 reporters, “You wouldn’t believe how bad these people are. These aren’t people, these are animals,  
 11 and we’re taking them out of the country at a level and at a rate that’s never happened before.” The  
 12 article stated that “Mr. Trump’s heated remarks on immigration, both private and public, appear to  
 13 have resonated with his advisers, who have been moving to put in place ever-stricter policies in line  
 14 with the president’s vision.”

15       20. Attached as **Exhibit 19** is a true and correct copy of an article by Miriam Valverde  
 16 dated May 17, 2018, titled *In Context: Donald Trump’s comments about immigrations, ‘animals,’*  
 17 POLITIFACT, and available at <https://www.politifact.com/truth-o-meter/article/2018/may/17/context-donald-trumps-comments-about-immigrants-an/>. The article recounts President Trump’s remarks at  
 18 a May 16, 2018 immigration roundtable discussion that “touched on so-called sanctuary cities, MS-  
 19 13 gang members, the federal ‘catch and release’ practice, and policies in California related to the  
 20 detention of immigrants.” President Trump stated “[w]e have people coming into the country, or  
 21 trying to come in—and we’re stopping a lot of them—but we’re taking people out of the country.  
 22 You wouldn’t believe how bad these people are. These aren’t people. These are animals. And we’re  
 23 taking them out of the country at a level and at a rate that’s never happened before.”

24       21. Attached as **Exhibit 20** is a true and correct copy of an article by Elijah T. Staggers  
 25 titled *The Racialization of Crimes Involving Moral Turpitude* and published in 12 Geo. J.L. & Mod.  
 26 Critical Race Persp. 17 (2020). The article traces the history undergirding “the modern tropes”  
 27 deployed against “Latinx immigrants.” Staggers argues that “the executive branch is, and has been

1 historically, manipulating the phrase ‘[crime involving] moral turpitude’ to systematically target,  
 2 condemn, and exclude racial groups deemed socially undesirable.” The article states that “[t]he  
 3 executive branch pursues this program by relying on longstanding tropes or stereotypes that certain  
 4 races have inherently immoral traits.”

5       22. Attached as **Exhibit 21** is a true and correct copy of an article by Deirdre Pfeiffer and  
 6 Xiaoqian Hu, which is titled *Deconstructing Racial Code Words* and published in 58 LAW & SOC’Y  
 7 REV. 294, 308 (2024). The article documents the use of racialized code words to justify “oppression  
 8 of Racial/Ethnic Minorities and immigrants.” Among other things, it identifies “Parasite,”  
 9 “Contagion,” and “Villain” as examples of racial code words that convey tropes about Latine people,  
 10 depicting them as exploitative, harmful, and criminal.

11       23. Attached as **Exhibit 22** is a true and correct copy of a National Immigration Forum  
 12 Explainer article dated January 23, 2024, titled *Asylum Backlogs*, and available at  
 13 <https://immigrationforum.org/article/explainer-asylum-backlogs/>. The article states that an asylum  
 14 applicant’s “estimated wait time is more than 6 years” for a claim before USCIS, and over four years  
 15 for a claim before EOIR. The article states that “[s]uch extensive delays can manifest as extreme  
 16 challenges for asylum seekers, making it harder for them to win their cases. Key witnesses may die.  
 17 Applicants may move. Country conditions may change. And [] asylum seekers struggle with the  
 18 uncertainty of whether they’ll be returned to danger.”

19       24. Attached as **Exhibit 23** is a true and correct copy of an article by Venezuela  
 20 Investigative Unit dated April 1, 2024, titled *Is Venezuela’s Tren de Aragua ‘Invading’ the US?*,  
 21 INSIGHT CRIME, and available at <https://insightcrime.org/news/is-venezuelas-tren-de-aragua-invading-us/>. In the article, investigative journalists studying claims about Tren De Aragua’s (TdA)  
 22 activity in the previous year note that, “none of [the numerous] national, state, and local law  
 23 enforcement agencies contacted by InSight Crime has reported any significant presence of Tren de  
 24 Aragua” in their jurisdictions. The article further states that “[p]olice agencies in major urban areas  
 25 across the United States – including Los Angeles, Phoenix, Dallas, San Antonio, and Denver – told  
 26 InSight Crime that they had no reports of crimes committed by Tren de Aragua in their  
 27 jurisdictions.” The article also notes that a 2024 review of a state and federal legal database found no  
 28

1 “US criminal cases mentioning Tren de Aragua” except “[t]wo recent murders with tenuous links to  
 2 Tren de Aragua” (which lacked “any apparent connection to gang activities”).

3       25. Attached as **Exhibit 24** is a true and correct copy of an article by Maggie Haberman  
 4 and Michael Gold dated April 7, 2024, titled *Trump, at Fund-Raiser, Says He Wants Immigrants*  
 5 *from ‘Nice’ Countries*, N.Y. TIMES, and available at  
 6 <https://www.nytimes.com/2024/04/07/us/politics/trump-immigrants-nice-countries.html>. The article  
 7 details how President Trump, during a 2024 fundraising event, defended and reiterated his remarks  
 8 distinguishing between what he called “nice countries, you know like Denmark, Switzerland,” and  
 9 “Norway,” and “unbelievable places and countries, countries that are a disaster.” According to the  
 10 article, President Trump described migrants entering the United States through the Southern border  
 11 as “coming in from prisons and jails. They’re coming in from just unbelievable places and countries,  
 12 countries that are a disaster.”

13       26. Attached as **Exhibit 25** is a true and correct copy of an article by John Bennett dated  
 14 June 10, 2024, titled *“Dumping Ground”: Trump Echoes Conservative “Project 2025” at First*  
 15 *Rally as a Felon*, ROLL CALL, and available at <https://rollcall.com/2024/06/10/dumping-ground-trump-echoes-conservative-project-2025-at-first-rally-as-a-felon>. The article recounts President  
 16 Trump’s remarks about immigrants: “we’re taking in people that are a disaster for our country. So  
 17 it’s all happening at our border . . . And we’re not going to let it happen, we’re not going to let them  
 18 ruin our country, we’re not going to let them destroy our country. . . . The whole country is being  
 19 turned into an absolute dumping ground[.]”

21       27. Attached as **Exhibit 26** is an article by Robert Farley and Catalina Jaramillo titled  
 22 *Crime Drop in Venezuela Does Not Prove Trump’s Claim the Country Is Sending Criminals to U.S.*,  
 23 FACTCHECK.ORG (Jun. 14, 2024). It is available at <https://www.factcheck.org/2024/06/crime-drop-in-venezuela-does-not-prove-trumps-claim-the-country-is-sending-criminals-to-u-s/>. The article  
 24 states that there is “no evidence that the Venezuelan government is emptying the prisons or mental  
 25 hospitals to send them out of the country[.]” The article quotes Carlos Nieto of a Venezuelan NGO  
 26 monitoring the prison situation in Venezuela stating: “there is nothing that can be affirmed that  
 27 establishes that there is an agreement, or that the Venezuelan government is helping criminals leave

1 Venezuela to go to the United States.” Nieto added: “there definitely is no official state policy to that  
 2 effect.” The article quotes Roberto Briceño-León, the founder and director of The Venezuelan  
 3 Observatory of Violence, that emigrants from Venezuela are “honest workers fleeing the country’s  
 4 poverty, looking for a job and a better future.” The article also noted that “[t]he vast majority of  
 5 those fleeing Venezuela have settled in nearby South American countries.”

6       28. Attached as **Exhibit 27** is a true and correct copy of an article by Diana Roy and  
 7 Amelia Cheatham dated July 31, 2024, titled *Venezuela: The Rise and Fall of a Petrostate*, COUNCIL  
 8 ON FOREIGN RELATIONS, and available at <https://www.cfr.org/backgrounder/venezuela-crisis>.  
 9 Among other things, the article cites a November 2022 survey that found that “50 percent of  
 10 Venezuela’s 28 million residents live in poverty.”

11       29. Attached as **Exhibit 28** is a true and correct copy of an article by Ariana Figueroa  
 12 dated August 23, 2024, titled *Trump Promises Mass Deportations of Undocumented People. How*  
 13 *Would That Work?*, MISSOURI INDEPENDENT, and available at  
 14 [https://missouriindependent.com/2024/08/23/trump-promises-mass-deportations-of-undocumented-](https://missouriindependent.com/2024/08/23/trump-promises-mass-deportations-of-undocumented-people-how-would-that-work/)  
 15 [people-how-would-that-work/](https://missouriindependent.com/2024/08/23/trump-promises-mass-deportations-of-undocumented-people-how-would-that-work/). The article details President Trump’s rhetoric related to  
 16 undocumented immigrants, including a March 2024 rally in which he stated, “I don’t know if you  
 17 call them people. In some cases they’re not people, in my opinion, but I’m not allowed to say that[.]”

18       30. Attached as **Exhibit 29** is a true and correct copy of an article by Jonathan Weisman  
 19 dated September 15, 2024, titled *How the False Story of a Gang ‘Takeover’ in Colorado Reached*  
 20 *Trump*, N.Y. TIMES, and available at <https://www.nytimes.com/2024/09/15/us/politics/trump-aurora-colorado-immigration.html>. The article claims that President Trump perpetuated a false story on the  
 21 campaign trail of a gang takeover in Aurora, Colorado.

22       31. Attached as **Exhibit 30** is a true and correct copy of an article by Venezuela  
 23 Investigative Unit dated October 4, 2024, titled *What We Know About Tren de Aragua’s US*  
 24 *Presence*, INSIGHT CRIME, and available at <https://insightcrime.org/news/what-we-know-about-tren-de-araguas-us-presence/>.

25       32. Attached as **Exhibit 31** is a true and correct copy of an article by Kit Maher and Chris  
 26 Boyette dated September 15, 2024, titled *JD Vance Defends Baseless Rumor About Haitian*

1      *Immigrants Eating Pets*, CNN, and available at <https://www.cnn.com/2024/09/15/politics/vance-immigrants-pets-springfield-ohio-cnntv/index.html>. According to the article, after President Trump stated that Haitian TPS holders were “eating the dogs,” “eating the cats,” and “eating the pets of the people that live” in Springfield, Ohio, the Governor of Ohio, Mike DeWine, “flatly denied the rumor on Sunday and praised the immigrants for their positive influence on the community.”

6      33.     Attached as **Exhibit 32** is a true and correct copy of an article by Russell Contreras, Delano Massey, and Erin Davis dated October 5, 2024, titled *Trump keeps calling Venezuelan and Congolese migrants criminals*, AXIOS, and available at <https://wwwaxios.com/2024/10/05/trump-migrants-venezuelan-congoles-rhetoric>. In the article, Axios analyzed 109 of President Trump’s speeches, debates, and interviews and found that he called Venezuelan migrants “criminals” at least seventy times between September 1, 2023 to October 2, 2024. The article states that while “Trump has repeatedly said undocumented immigrants are ‘poisoning the blood of our country’ . . . [s]tudy after study has found that immigrants commit less crime than their American-born counterparts.”

14     34.     Attached as **Exhibit 33** is a true and correct copy of an article by Julia Ainsley dated October 23, 2024, titled *DHS is seeking more than 600 migrants for possible ties to Venezuelan gang*, NBC NEWS, and available at <https://www.nbcnews.com/news/dhs-identified-600-migrants-possible-ties-venezuelan-gang-rcna176020>. The article states that, as of October 2024, DHS was seeking “more than 600 migrants in the U.S. who may have connections to [TDA] . . . according to data obtained exclusively by NBC News.” Of these, DHS describes “[r]oughly 100” as “confirmed” gang members; the other 500 or more “could be” victims or witnesses. The article explores President Trump’s campaign trail claim that TDA members had “invaded and conquered” Aurora, Colorado. The article reports that Aurora’s police chief and its mayor told NBC News last month that “Trump’s claims about the gang are grossly exaggerated.” According to the article, while President Trump “highlighted crimes TDA members [had] committed against Americans,” a DHS official said “the vast majority of TDA victims are Venezuelan migrants.”

26     35.     Attached as **Exhibit 34** is a true and correct copy of an article by Charles Larratt-Smith and John Polga-Hecimovich dated December 9, 2024, titled *How Much of a Threat is Tren de Aragua in the U.S.?*, AMERICAS QUARTERLY, (Dec. 9, 2024), and available at

<https://americasquarterly.org/article/how-much-of-a-threat-is-tren-de-aragua-in-the-u-s/>. The article states that “nearly no claims made by U.S. law enforcement about crimes committed by purported members of TdA have been substantiated by hard evidence that directly connects the accused with the organization in Venezuela.” The authors add that, “it’s unlikely the group has much power or reach in the U.S., where other organized criminal organizations pose much more of a threat to citizens and TdA itself.”

36. Attached as **Exhibit 35** is an article by Silvia Foster-Frau, et al., dated February 16, 2025, titled *Relatives and Records Cast Doubt on Guantánamo Migrants Being ‘Worst of the Worst’*, WASH. POST, and available at <https://www.washingtonpost.com/immigration/2025/02/16/trump-guantanamo-migrants-deportations-venezuela/>.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this third day of March 2025.

/s/ Emilou MacLean  
Emilou MacLean